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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifteenth session

SUMMARY RECORD OF THE 380th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 26 May 1997, at 10 a.m.

Chairperson: Miss MASON

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The meeting was called to order at 10.05 a.m.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE (agenda item 2) (continued)

1. The CHAIRPERSON invited Ms. Palme, who had been unable to attend the opening of the session, to make the solemn declaration provided for in rule 15 of the provisional rules of procedure.

2. Ms. PALME made the following declaration: "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of the Child, honourably, faithfully, impartially and conscientiously."

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Bangladesh (CRC/C/3/Add.38 and CRC/C/3/Add.49; CRC/C/Q/BAN/1)

3. At the invitation of the Chairperson, Mr. Chowdhury, Mr. Husain and Mr. Siddique (Bangladesh) took places at the Committee table.

4. The CHAIRPERSON welcomed the delegation of Bangladesh and invited it to introduce the initial report of the Government of Bangladesh (CRC/C/3/Add.38 and CRC/C/3/Add.49).

5. Mr. HUSAIN (Bangladesh) said that his Government was committed to full implementation of the provisions of the Convention in Bangladesh, and was willing to enter into discussion with the Committee concerning that country's two reservations to the Convention. The Bangladesh Constitution established that nothing should prevent the State from taking special measures in favour of women and children. In view both of that fundamental principle and of the terms of the Convention, Bangladesh had formulated the National Policy on Children and had established a separate Ministry of Women and Children's Affairs. It was currently creating a department of children's affairs, which would focus on both child development and the implementation of the Convention.

6. The CHAIRPERSON invited questions and comments from members of the Committee on the "General measures of implementation" (arts. 4, 42 and 44, para. 6, of the Convention; questions Nos. 1 to 10 in the Committee's list of issues (CRC/C/Q/BAN/1)). She drew attention to the written replies of the Government of Bangladesh which had been circulated to members.

7. Ms. MBOI said she was troubled by the Government's decision to transform the Ministry of Women's Affairs into the Ministry of Women and Children's Affairs, since it reinforced the notion that children were the responsibility of women rather than of society as a whole, men included. The experience of other countries had shown that such ministries often played an advocacy role, but, having small budgets, small staffs, and very little authority or operational capacity, they could make little difference to the lives of

children. It would be useful to know whether Bangladesh had weighed those considerations in establishing its Ministry of Women and Children's Affairs, whether its experience had been similar, and if so, what measures, if any, had been taken to resolve the problem.

8. Ms. SARDENBERG inquired as to the reason for the considerable difference between the initial and supplementary reports of Bangladesh. It would be useful to know whether the two reports had been drafted by different groups, and if so, whether the change of Government was the reason. In the view of the Committee, the preparation of a country's report was a crucial phase of the implementation process.

9. She welcomed the decision of Bangladesh to reconsider its reservation to article 14, paragraph 1, and concurred, with the view that the terms of article 14, paragraph 2, answered the country's concerns with regard to those of article 14, paragraph 1. Bangladesh had also entered a reservation to article 21; the Government should indicate its current position on the matter and provide more information on the political events that had led to the adoption of the Bangladesh Abandoned Children (Special Provision) Order of 1972.

10. Ms. QUEDRAGO inquired whether the Bangladesh reservations to the Convention were under discussion at various levels of the country's society. It would be useful to know the status of the Convention in Bangladesh, especially among the rural populations; whether the reservations had been published; and whether Bangladesh children were aware of their rights and could make their views known.

11. Although paragraph 15 of the initial report (CRC/C/3/Add.38) stated that the Ministry of Social Welfare played the key role in overseeing welfare activities pertaining to children, the written replies stated that the Ministry of Women and Children's Affairs coordinated such activities. The Government should describe the responsibilities of those two bodies and indicate how they cooperated, and whether there were areas of overlap between them.

12. Ms. MOKHUANE said she wondered when the issues under discussion would become perceptible reality, and in particular, whether in future the Bangladesh delegation would also include women. The initial report indicated that the Government employed many definitions of the child; it should explain why legislation concerning children failed to acknowledge the age of majority as established by the Convention. Finally, information would be useful on the attitudes of the Bangladesh male population toward the various issues raised by the Convention.

13. Mrs. KARP inquired how programmes on behalf of children and women were incorporated into broader strategies for combating poverty; what measures, if any, had been taken to temper the effects of economic structural adjustment; what measures were taken to assist single-parent families; and how resources were allocated both to children and to the implementation of children's rights, in the national budget. Furthermore, it would be useful to know how the terms of the Convention were implemented on an everyday basis in Bangladesh.

14. She commended the decision to establish a department of children's affairs. It was not clear from the report, however, whether the new National Council for Children had authority to take decisions that would affect ministries and other mechanisms at national and local level. Neither was it clear whether a mechanism for coordination existed, not only between ministries but also between national and district authorities. How did such a mechanism work in everyday life and was it complemented by a suitable monitoring system? No mechanism appeared to exist for the overall monitoring of education and health policies, and of violations of children's rights. Without a suitable method of evaluation, full implementation of the Convention could not take place. The scope of the violation of children's rights should be made clear so as to develop suitable programmes to counter it.

15. The reservation in respect of article 21 of the Convention was of particular importance. In Bangladesh hundreds of thousands of children were homeless and there was no real capacity to provide institutions to care for them. Bangladesh should therefore reconsider its reservation, which had been made in a different context. Basic children's rights could not be guaranteed unless a comprehensive study was made of means of caring for children who lacked a suitable family environment. The interest shown by Bangladesh in withdrawing the reservation was an expression of the country's willingness to deal with very serious problems.

16. The Convention's innovative approval to the question of children's rights constituted one of the most difficult problems that States parties faced in implementing the instrument. If religious law took precedence over the Convention and the national Constitution, how did Bangladesh plan to deal with the resulting situation? Under religious and personal law there were many violations of rights, including discrimination against women and girl children. Illegitimate children did not have the same rights as other children, and there were other areas of difference. How did the two legal frameworks fit together?

17. Mr. RABAH asked what steps had been taken since 1990 to establish a mechanism for implementing the Convention. He also wished to know whether there was a conflict of laws between Hindus and Muslims in relation to their traditional methods of dealing with childhood problems? It had been stated that in the case of conflict between national statute law and the Convention, the former would prevail. However, that contradicted the provisions of both national and international law. Did the Government intervene in family education to ensure the best interests of children, and could clarification be given of the inequality which existed between boys and girls in relation to the problem of inheritance? Finally, what forms of cooperation had been undertaken with NGOs both before and after 1990, the date on which Bangladesh had ratified the Convention.

18. Mr. KOLOSOV said that the documentation submitted by Bangladesh was impressive in that it clearly acknowledged the difficulties which existed. In addition, details were provided of how Bangladesh intended to resolve those difficulties. That approach would enable a meaningful dialogue to be conducted with the aim of accelerating the improvement of the situation of children in Bangladesh. However, the process would be a long one as Bangladesh was a country with a very large population.

19. Article 21 (b) of the Convention provided that States parties "shall recognize that inter-country adoption may be considered as an alternative means of child's care". Since the provision was derogable, there was no need for a special reservation with respect to it. Withdrawal of the reservation would in fact be preferable. The reservation to article 14, paragraph 1, was in contrast a non-derogable right, in accordance with the 1949 Geneva Conventions and the International Covenants on Civil and Political, and on Economic, Social and Cultural Rights. Parents did have rights of guidance, based on a child's evolving capacities, but in principle the right to freedom of religion was non-derogable.

20. Paragraph 74 of the report stated that in accordance with the Constitution of Bangladesh, every citizen had the right to profess, practise or propagate any religion. The Constitution also defined all persons over the age of 18 as citizens. Since that category did not include children, the reservation entered appeared to contradict the Convention on the Rights of the Child and indeed the Constitution itself. In the Government's written answers (para. 3) it was stated that child development activities were being enhanced by means of seminars and workshops. The last workshop having taken place in December 1996, she wished to know what further action of that nature was to be taken. The Government's initial report contained a table showing sectoral allocations during the Fourth Five-Year Plan. However, the supplementary report did not contain similar data and figures for the different periods could therefore not be compared.

21. Mr. FULCI asked why the practice of intercountry adoption had ceased to be legal in Bangladesh after 1982. Referring to paragraph 14 of the report, he said he was pleased to note that the Government was currently considering the adoption of a comprehensive national policy on children. In that connection, he emphasized the desirability of incorporating all legislation relating to children in a single text.

22. Paragraph 37 of the report noted that a serious information gap existed with regard to the state of children in Bangladesh. Quantitative indicators on many aspects of the situation of children were an essential prerequisite for any action on their behalf. Had anything been done, therefore, to close the information gap?

23. The CHAIRPERSON, referring to the table in paragraph 30 of the report, asked whether the allocation of resources shown adequately reflected the Government's commitment to children. The table contained no up-to-date information on Bangladesh's defence spending, an area to which greater resources were usually devoted than to social problems. Had the National Policy for Children, adopted in December 1994, produced any useful results? Reference was made in the report to the training of professionals, in particular with regard to law-enforcement and security officials and the judiciary, but more information on that subject was necessary.

24. It had been stated that the Constitution provided for the protection of children in the Chittagong Hill Tracts, but actual evidence that their rights were adequately protected should be provided. With reference to the dissemination of the Convention in Bangladesh, she wished to know what particular aspects of the instrument had led to the most discussion and

controversy, given the Convention's new and innovative features. Finally, what progress had been made by Bangladesh towards ratification of other human rights treaties, such as the Convention against Torture, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights?

The meeting was suspended at 11.15 a.m. and resumed at 11.35 a.m.

25. Mr. AKMAL HUSAIN (Bangladesh) said that two successive free and fair elections had produced great transformations in Bangladesh. The establishment of a democratic government had given rise to much greater transparency and accountability. As of 1 July 1997, the Fifth Five-Year Plan would be implemented. That plan contained a commitment that all programmes, policies and projects would be harmonized to reflect the implementation of the Convention on the Rights of the Child.

26. The National Policy on Children set out six major objectives. They included the birth and survival of children; their education and psychological development; the creation of an appropriate family environment; assistance to children in difficult circumstances; the best interests of children; and the protection of their legal rights. Bangladesh was committed to updating the policy, which must be amended to meet the challenges of changing times.

27. The Interministerial Committee for Children's Welfare was run jointly by the Ministry of Women and Children's Affairs and the Ministry of Social Welfare, and the Bangladesh Children's Academy attended to children's spiritual and cultural development within the Ministry of Women and Children's Affairs. The combination of what might be viewed as two portfolios in the latter Ministry did not imply that women were considered to have sole responsibility for children. Quite separate divisions were responsible for the two branches of activity. The Bangladesh Children's Academy was the division responsible for children and the Government would shortly establish an intersectoral division, spanning the areas of education, health, legal affairs, law reform, etc., which would be responsible for monitoring the implementation of the Convention and for child development.

28. Both age- and gender-disaggregated data were being produced for budgetary and policy-making purposes. As soon as data under the Fifth Five-Year Plan became available, they would be supplied to the Committee to show the proportion of internally mobilized resources and international assistance that was earmarked for children's development.

29. In 1979 an infant mortality rate of 182 per thousand live births had been recorded. The corresponding rate today was 77, thanks to the efforts of the health-care delivery system. He agreed that the figure was still unacceptably high and a serious effort was under way to reduce it further, inter alia by promoting reproductive health. With 48 per cent of the population living below the poverty line in terms of calorie intake, malnutrition was also a major problem. He attributed many of his country's ills to its previous experience with military regimes and martial law, which were incompatible with transparency and accountability.

30. The Government had submitted a supplementary report (CRC/C/3/Add.49) because civil society, including non-governmental organizations and children's rights activists, had not been involved in the preparation of the earlier report (CRC/C/3/Add.38). Decision-making in general was being decentralized in Bangladesh and self-governing councils were to be established even in villages, the smallest administrative units. Grass-roots sensitization and advocacy workshops had been organized to discuss the supplementary report.

31. Bangladesh had entered a reservation in respect of article 14, paragraph 1, of the Convention to the effect that the child's right to freedom of thought, conscience and religion should be subject to parental guidance, because of widespread efforts, following the country's achievement of independence in 1971, to convert Bangladesh children, especially from poor families, to other religions. As education and literacy rates rose, the possibility of withdrawing the reservation would be considered, especially since article 14, paragraph 2, made provision for parental guidance. The Government had set up a permanent Law Reform Commission to examine all such issues.

32. Under the current interpretation of Shariah law in Bangladesh, the male child inherited twice as much as the female child. The Prime Minister had recently called for an amendment of the law of inheritance in order to establish parity between men and women, a step that would require considerable commitment and political will on the part of the Government.

33. The law on intercountry adoption had been repealed in 1982: hence the reservation of Bangladesh in respect of article 21 of the Convention. Under martial law, many children had been removed from Bangladesh on the pretext of intercountry adoption but in reality for the purpose of illicit trafficking and exploitation. The scale of the outflow had come to be viewed as an affront to national dignity and the military had eventually repealed the law. Children from Bangladesh were currently being exploited in Middle Eastern countries, for example as camel jockeys. His country had a responsibility to repatriate those children and to protect others from a similar fate. However, the benefits of legitimate intercountry adoption were recognized and the reservation to article 21 was under review.

34. At a meeting of the South Asian Association for Regional Cooperation (SAARC), the Prime Minister of Bangladesh had advocated an intercountry approach to the problem of trafficking in children. Unscrupulous agents were operating at the regional level, luring children from their families on false pretences, offering them employment abroad, good wages and training. Some of them even married girls without asking for a dowry and later forced them into prostitution. Such cases were an example of how extreme poverty and the desperation it generated impeded the enjoyment of human rights.

35. Bangladesh was seeking to adopt a holistic approach to child development. With assistance from UNICEF, a multidisciplinary group of experts was preparing a National Action Plan for child development and implementation of the Convention, which would specify the tasks to be undertaken, the responsibilities of the different actors, the resources required, the time-frame for each objective and the mechanisms to be established for monitoring and accountability.

36. Replying to members' questions concerning public discussion of the Convention, the level of awareness of its provisions among the rural population and children's awareness of their rights, he acknowledged that there was a high level of ignorance but said that a special, intensive campaign was to be conducted in order to ensure more extensive dissemination of information on the rights of the child, by means of seminars and workshops right down to grass-roots level. That project, which was funded by UNICEF, included plans for 2,000 workshops to be held between 1 July 1997 and 30 June 1998.

37. There were at present 49,000 primary schools in Bangladesh, and within five years that figure would have risen to 70,000; each village primary school was to be provided with a copy of the Convention in the Bengali language. Much remained to be done to raise general awareness of the Convention, but that was one of Bangladesh's top priorities in its annual development programmes. Dissemination of the Convention was still largely confined to the major towns but the Bangladesh Children's Academy, which had branches in all 64 districts and 6 sub-districts of the country, was holding regular training programmes, in which government officials and non-governmental organizations were involved, to ensure the publicizing of the Convention, including the reservations entered with respect to articles 14 and 21. It was hoped that by June 1999 the Convention would have been disseminated throughout the country, and by June 1998 coverage would already be very extensive.

38. Regarding consultation with Islamic and other groups, he said that the Government of Bangladesh did not recognize any Islamic group as such. It did recognize groups and non-governmental organizations active in the field of children's development, and had consulted all of them regarding the initial report (CRC/C/3/Add.38 and Add.49).

39. As for coordination between the Ministry of Women and Children's Affairs and the Ministry of Social Welfare, the former dealt with the Convention and its implementation while the latter concerned itself with the rehabilitation of disadvantaged children. There was no lack of coordination between them and no overlap. There was one minister at the apex, and a common council, the National Council for Children's Affairs.

40. Mr. SIDDIQUE (Bangladesh) said that, while the Convention defined a child as every human being below the age of 18 unless under the applicable law majority was attained earlier, the age limit set in much of Bangladesh's legislation varied: the minimum age for marriage for males was 21 and for females 18, for child labour 15 and for kidnapping 16. In an effort to harmonize those ages with the provisions of the Convention, the matter had been referred to the Law Reform Commission and was already under review. It was hoped that harmonization would soon be achieved.

41. Mr. HUSAIN (Bangladesh) said that the Government of Bangladesh was very concerned about the lack of harmonization that had been referred to, and he hoped that in six months' time the matter would once again be raised with the Cabinet. Efforts were being made to establish a disaggregated age-specific database which would provide information regarding funding for the benefit of children in a variety of specified age ranges. Such data did not exist at present. Statistics did exist, though, concerning incidents of violence

against children, but unfortunately no systematic survey of domestic violence had been carried out. Cases were reported to the police and covered in the press, many of them concerning children from poor families who were employed by households. A cell within the Ministry and district-level units monitored cases of violence against children. The mechanism for evaluation existed, but it was inadequate and would be made more effective.

42. Statute law prevailed in the event of any conflict with religious law or personal law, because it emanated from the Constitution, the supreme law of Bangladesh. Discrimination against the girl child existed in many areas and from the family level upwards. Women were becoming more independent, but their advancement was a slow process.

43. An attempt had recently been undertaken to consolidate all child-related laws into a single text, with the aim of facilitating the Law Reform Commission's consideration of the overall legal position of children.

44. Mr. SIDDIQUE (Bangladesh) said that the codified law relating to children had been submitted to the Law Reform Commission, whose approval was awaited; the text would be published within six months.

45. Mr. HUSAIN (Bangladesh) said that the Prime Minister of Bangladesh herself was concerned about the inequality of boys and girls in respect of the law of inheritance, and the Law Reform Commission was looking into the matter.

46. Mr. SIDDIQUE (Bangladesh) said that, while all citizens of Bangladesh were covered by common, criminal and civil law, there were also personal laws for Muslims and Hindus that dated back to 1937. The relationship between personal law and the law of inheritance as it affected boys and girls was currently under review, but there was scarcely any conflict between the Convention and the statute law of Bangladesh.

47. Mr. HUSAIN (Bangladesh) said that he shared Mr. Kolosov's view that it would be preferable for Bangladesh to withdraw its reservation to article 21 of the Convention, because it was desirable to permit adoption. A Cabinet decision on the matter could be expected within six months.

The meeting rose at 1 p.m.